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# Fax - Official

<b>To:</b>	Examiner N. Ogden US Patent and Trademark Office	<b>From:</b>	C. Brant Cook, Intellectual Property Division The Procter and Gamble Company
<b>Fax:</b>	(703) 872-9682	<b>Pages:</b>	3 (including cover)
<b>Phone:</b>	(703) 308-3732	<b>Date:</b>	February 28, 2002
<b>Re:</b>	US Patent Appln. 09/889,632 Our Ref: 7399	<b>CC:</b>	

Response to Office Action dated November 29, 2001

Customer number: 27752

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Case 7399

I hereby certify that this correspondence is being transmitted  
via facsimile to (703) 777-1999 on 28 February 2002  
472-9022  
C. Grant Cook, Esq. 39,151  
Name of Attorney Registration No.  
Signature of Attorney

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In the Application of :  
**KEVIN LEE KOTT, et al.** :  
Serial No. 09/889,632 : Group Art Unit 1751  
Filed 19 July 2001 : Examiner N. Ogden  
For DISHWASHING :  
COMPOSITIONS CONTAINING  
MIXTURES OF  
CRYSTALLINITY-DISRUPTED  
SURFACANTS

**REQUEST FOR RECONSIDERATION**

Commissioner for Patents

Washington, D.C. 20231

Dear Sir:

In response to the Office Action dated 29 November 2001, please consider the following remarks.

**REMARKS****Provisional Obviousness-Type Double Patenting**

The Examiner has provisionally rejected Claims 1 to 29 of the present Application under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 29 to 60 of copending Application No. 09/889,637; Claims 29 to 58 of copending Application No. 09/889,632; Claims 31 to 50 of co-pending Application No. 09/889,633; Claims 1 to 41 of copending Application No. 09/889,629; Claims 28 to 47 of copending Application No. 09/889,634; and Claims 1 to 8, 17 to 23, 39 and 40 to 61 of copending Application No. 09/889,638. Upon notification by the Examiner of allowable subject matter, Applicants will file a Terminal Disclaimer under CFR § 3.73(b) if necessary.

**Rejection under 35 USC § 103(a) over Kott**

The Examiner has rejected Claims 1 to 29 under 35 USC § 103(a) as allegedly obvious over US Patent Number 6,306,817 to Kott et al (hereinafter "Kott"). The Examiner's rejection is respectfully traversed. Rather than provide substantive argument regarding the imposition of the present rejection at this time, the Applicants seek the benefit of the recent changes to 35 USC § 103(c), which now precludes the application of a reference in a

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rejection under 35 USC § 103 when such a reference only qualifies as art under 35 USC § 102(e). Indeed, the present application possesses a United States filing date of 19 July 2001, which is less than one year from the issue date of Kott on 23 October 2001. Moreover, the present application claims priority to an application filed on 20 January 1999. Further, the Applicants submit that no new matter has been added to the previously filed application, and thus, the Applicants should be accorded the benefit of its earlier filing date. Thus, the reference of Kott may no longer serve as the basis for the present rejection. Reconsideration and withdrawal of the rejection to Claims 1 to 29 under 35 USC § 103(a) are therefore respectfully requested.

### CONCLUSION

Applicants have made an earnest effort to distinguish the claimed invention from the applied references. WHEREFORE reconsideration of the claims in light of the Remarks provided, withdrawal of the claims rejections, and allowance of Claims 29 to 58 are respectfully requested. In the event that issues remain prior to allowance of the noted claims, then the Examiner is invited to call Applicants' undersigned attorney to discuss any remaining issues.

Respectfully submitted,

KEVIN L. KOTT, et al.

By   
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28 February 2002  
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